

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Walter Thomas, #308699, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                ) Civil Action No. 4:18-826-BHH  
v.                            )  
                                )  
                                )  
S.C. Dept. of Corrections, )  
                                )  
                                )  
Defendant.                 )  
                                )  
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)

**ORDER**

This matter is before the Court upon Plaintiff's pro se complaint. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review. On May 2, 2018, the Magistrate Judge issued a report and recommendation ("Report") outlining the issues and recommending that the Court summarily dismiss Plaintiff's complaint without prejudice and without issuance and service of process. As the Magistrate Judge explained, Plaintiff, under penalty of perjury, indicated on April 16, 2018, that he intended to file his complaint in the Richland County Court of Common Pleas and not this federal district. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’ “) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court adopts and incorporates the Report (ECF No. 12) and dismisses this action without prejudice and without issuance and service of process.

**AND IT IS SO ORDERED.**

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks  
United States District Judge

May 24, 2018  
Charleston, South Carolina